



Fair Political Practices Commission

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NEWS ADVISORY

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FPPC Chair Randolph reacts to 9th Circuit decision in Pro-Life case *Says decision 'soundly rejects' plaintiff's argument on ballot measure advocacy*

Fair Political Practices Commission Chair Liane Randolph today issued the following statement regarding the 9th U.S. Circuit Court of Appeal's ruling in the California Pro-Life Council's lawsuit against the FPPC regarding the constitutionality of key disclosure provisions of the Political Reform Act.

"We are pleased with the ruling by the 9th U.S. Circuit Court of Appeals. The court upheld the constitutionality of the Political Reform Act's independent expenditure definition as it is currently being applied by the Commission,

"Our application of the definition is consistent with the 1st District Court of Appeal's decision in *Governor Gray Davis Committee v. American Taxpayers Alliance*.

"Moreover, the court soundly rejected the plaintiff's argument that the state has no right to regulate express ballot measure activity. The court held that such political activity may be regulated, provided that California has a constitutionally sufficient interest in doing so. The court remanded the case back to U.S. District Court Judge Frank Damrell to decide that question, but indicated that the lower court could very well conclude the interest is sufficiently compelling to survive strict scrutiny.

"The opinion has strong language which highlights the public's compelling interest in ballot measure disclosure: 'Given the complexity of the issues and the unwillingness of much of the electorate to independently study the propriety of individual ballot measures,' the court ruled, 'we think being able to evaluate who is doing the talking is of great importance'."

Note to Editors: A copy of the court's decision is available on the FPPC Web site. Earlier press releases on the Pro-Life case are also on the Web site. The most recent release was on Jan. 24, 2002. In addition, the commission tomorrow (May 9) will consider various regulatory options interpreting "express advocacy," including versions intended to follow the September 2002 appellate court ruling in the *Governor Gray Davis Committee v. American Taxpayers Alliance* case, which endorsed a narrow construction of the term "express advocacy."